No. _____

In The
SUPREME COURT OF THE UNITED STATES

RICHARD JOHN FLORANCE, JR.,
Applicant – Appellant – Petitioner – Petitioner,

v.

STATE OF TEXAS,
Respondent – Appellee – Respondent – Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS
OF TEXAS

ORIGINAL PETITION FOR A WRIT OF CERTIORARI

RICHARD JOHN FLORANCE, JR.
1908 VASSAR DRIVE
RICHARDSON, TEXAS, 75081

Questions Presented

Pre-trial habeas

1. Is this dispute moot?

2. Is habeas a civil proceeding?

3. May a (pre-trial) habeas application ***ever*** be commingled with the file of the related criminal case?

~~4. Does a transferor court remain a "restrainor"?~~

~~5. Is a "restrainor" trial court ***disqualified*** from ruling on the habeas application?~~

6. Does Art. 25.04 violate Due Process?

7. Is habeas a collateral proceeding?

8. Is the collateral order doctrine part of Due Process applicable to the states via the 14th Amendment?

Parties

Petitioner

RICHARD JOHN FLORANCE, JR., "restrained" defendant ("RJF")

Respondent

~~County Court At Law No. 2 (transferor trial court)~~

~~JOHN O. BARRY, "judge", "restrainor"~~
~~County Court At Law No. 3 (transferee trial court)~~

STATE OF TEXAS

Hon. GREG ABBOTT
Attorney General

JOHN R. ROACH
Collin County DA

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Table of Authorities

Cases

Statutes

Rules of Appellate Procedure

Rules of Criminal Procedure

Petition for a Writ of Certiorari

RJF petitions for a writ of certiorari to the Court of Criminal Appeals of Texas ("CCA") as follows:

Citations to decisions below

None

Jurisdiction

(i) Date Order Was Entered
Petition "refused" 10 December 2008. [+90: 10 Mar 2009] [PD-1601-08] [05-08-00994-CR]

(ii) Extensions N/A

(iii) Rule 12.5 N/A

(iv) Statutes, Jurisdiction
28 U.S.C. § 1257(a) (final).

Collateral Order Doctrine—*Cohen*, 337 U.S. at 547; *Cox Broadcasting*; *Coopers & Lybrand*, 437 U.S. at 468; *Moses H. Cone Hospital*; *Ritchie*.

(v) Regarding notice of statutory challenge, Rule 29.4(c)
Habeas application challenges statutes. Appeal challenges another statute. STATE is a party. All activity in STATE's courts.

Non-Argument Calendar Preferred

Oral argument is not expected to aid in the resolution of these issues.

Statement of the Case

When Federal Questions Were Raised

When the county court entered "secret" orders and reversed the party alignment for habeas.

BARRY ***secretly*** ordered the clerk to commingle RJF's habeas application with the underlying "criminal" case. BARRY effectively ***realigned*** the RJF v. [Respondents] habeas to STATE v. RJF, which ***is not*** the proper style for the CIVIL *habeas* proceeding. BARRY also effectively turned the habeas proceeding into a mere pre-trial motion.

The related original proceeding.

It's odd that the defendant is more concerned about the courts' acting without jurisdiction than the actual officials are.

In addition to this appeal, which is not presently the normal procedure in Texas, RJF also filed a new application with the CCA, in the normal course. [1]

For a recent discussion of the current habeas procedure in a misdemeanor case, *see, e.g.*, *Ex Parte Villanueva*. In short, it's this: (1) File application with the presiding trial court. (2) If the application is *denied* (merits not reached), then file a new application with the CCA. (3) If the application is *granted* and release is denied on the merits, then appeal in the normal course.

Procedural facts.

In the underlying case, STATE has persecuted RJF via PENAL CODE § 32.49 (Class A misdemeanor), which criminalizes the exercise of the right of redress. Regarding the commercial claim arising

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[1] *See* Florence v. State, No. 08-798.

from criminal Record-tampering committed by the former Collin County Clerk, TAYLOR, via her employees, see No. 06-777. Regarding the related civil forfeiture case, see No. 07-171.

2008 May 16. (Round 2) RJF formally declined to plea; no Notice of any crime – no statute, no competent charging instrument.

June 5 (Thurs.). RJF overnighted his habeas application to the county court.

(cir.) June 6 (Fri.). BARRY "honors" D-Day by giving a "secret" commandeering order, effectively ***reversing*** the alignment of the parties [2] for habeas and rendering habeas a mere pre-trial motion.

June 9 (Mon.). File-stamp on application.

June 24. BARRY documented his previously "secret" order commandeering the habeas.

July 1. RJF's verified emergency collateral order doctrine Notice of Appeal (***disqualification***).

July 7. Hearing on habeas and motion to dismiss. Both denied. RJF supplied a written order. BARRY locked up the Record in his office.

July 10. Notice of Appeal of void habeas ruling.

July 14. New pre-trial application filed (CCA).

July 16-17. Two-day trial ended when six-member administrative advisory panel convicted RJF. The conviction and sentence (6-months jail, $2,000 fine) are both on appeal. [3]

July 23. Motion to Supplement, in CCA *and* state appellate court, to add the 7 July order never served on RJF and rendered unavailable even to the clerks.

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[2] *Cf.* No. 07-1253, RJF v. Buchmeyer, et al.

[3] Florance v. State, No. 05-08-00984-CR (Tex. App. – Dallas) (RJF's principal brief submitted 16 Dec.).

In Round 1, the transferor court dismissed the case. He was reversed, and he self-recused. In Round 2, BARRY has "seen" no defendant other than ✱ **Republic of Texas** ✱, who- or what-ever that is.

A new application does not operate to preserve error committed in/by the trial court. Thus, while RJF originally filed the appeal seeing a manifest ***disqualification*** problem, there *are* other errors.

RJF styled the application as the separate CIVIL proceeding that it is. Nonetheless, BARRY ordered the clerk, "secretly" at first, to commingle the habeas with the underlying criminal case, effectively ***realigning*** the parties for the habeas. Then, treating the habeas as a mere pre-trial motion, BARRY buried it and ignored it, as he was also doing with RJF's motion to dismiss.

After RJF exposed these outrageous shenanigans by raising the "hue and cry" via his collateral order doctrine appeals, BARRY somehow managed to put the habeas and the motion to dismiss on his hearing docket. Upon hearing, BARRY made his ruling in open court: both the habeas and the motion to dismiss were denied. Upon BARRY's suggestion, RJF went to a great deal of trouble to submit a proposed order "immediately" after that hearing, but, as is clear in hindsight, BARRY neither wanted nor needed that proposed order. Moreover, the fill-in court reporter was too swamped to get that Transcript out, and BARRY locked up the Record in his office until the trial started. Even the clerks had no access to it. BARRY never served his written order(s) (24 June (commandeering/realigning), 7 July (habeas denied)) on RJF, and RJF had no access to the Record until after the trial.

Having no written order or Transcript, RJF both (1) appealed (this case) and (2) filed his pre-trial habeas application and motion with the CCA (No. 08-798), anyway. RJF moved to supplement the Record in both the CCA and the appellate court (this appeal) once he was able to obtain a copy of the order. The appellate court denied that motion but ordered the entire Record be produced promptly for purposes of the matters relevant to the underlying case. [4]

Argument

Pre-trial habeas

1. Is this dispute moot?

There *is* a final judgment.

However, *pre-trial* habeas *has* to exist. *Cf.* Art. 17.151. *See also Hamdan*; *Boumediene*; *Munaf* (relief denied, but not because it's pre-trial). With or without that "speedy trial" statute for when one is under *custodial* restraint, one should be able to challenge "restraint", generally, custodial or other, ***any*** time it exists. Since *pre-trial* habeas ***must*** exist, that proceeding ***must also*** comply with Due Process.

Even if BARRY is not ***disqualified*** to rule on the habeas, he still can't (A) ***secretly*** "commandeer" the application so as to (B) ***realign the parties*** and commingle it with the underlying criminal case, thereby rendering it a mere pre-trial motion, (C)

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[4] This state appellate court has twice, now, ruled on collateral order doctrine appeals without first having a Record. *See* Florance v. State, Nos. 05-08-00724-CR and -01301-CR. In the latter case, the court even created (false) facts.

intentionally delay even addressing the application, (D) refuse to serve his ruling(s) (***secret*** or written), or (E) render the Record completely inaccessible for that last 9-10 days before trial. Given the "convicting court" policy, *see* Arts. 11.07, 11.071, all of these fully reproducible acts are likely to be repeated against RJF and *will* evade review if not addressed in the habeas context. *See, e.g., Spencer*, 523 U.S. at 17-18.

2. Is habeas a civil proceeding?

Even where there is no ***disqualification***, STATE's case is STATE v. RJF, but RJF's **habeas** is RJF v. STATE. Note the case style of the application as filed: RJF v. [Respondents]. Note the case style of the "order": STATE v. RJF. Note also that the "order" denying habeas *is in the same document* with the "order" denying the motion to dismiss, as if pre-trial habeas were a mere pre-trial motion.

Note the case number on appeal: 05-08-994-**CR**. Since when is habeas a ***criminal*** proceeding?

Ex Parte Watkins; *Ex Parte Tom Tong*; *Kurtz*; *Farnsworth*; *In re Grimley*; *Cross*; *In re Frederich*; *In re Lennon*; *Pridgeon*; *Hilborn*; *Cunningham*; *Fisher*; *Riddle*; *Holiday*; *Hiatt*; *Morgan* (Minton, J. dissent); *Heflin*; *In re Sawyer*; *Bennett*; *Fay*; *Long*; *Harris v. Nelson*; *Schlanger*; *Parisi* (Douglas, J. concurring); *Wingo* (Burger, C.J., dissent); *Ellis* (Powell, J. dissent); *Blackledge*; *Browder*; *Santa Clara Pueblo*; *Stafford*; *McCarthy*; *Coleman* (Marshall, J. dissent); *Stephens* (Brennan, J. dissent); *Granberry*; *Finley*; *Hilton*; *Keeney*; *O'Neal*; *Bracy*; *Woodford*; *Padilla*.

3. May a (pre-trial) habeas application *ever* be commingled with the file of the related criminal case?

See Question 2: STATE v. RJF ***is not*** RJF v. STATE. Even a court that has both criminal and civil authority can't mix and match cases on whim.

If two related proceedings share the same Record, fine. *See also* Question 7, regarding the collateral nature of habeas. But, because habeas is CIVIL, it's conscious-shocking that it would even come to mind to commingle it with the underlying "criminal" case, i.e., ***restyle it and realign the parties***, much less that such commingling would ever happen.

~~**4. Does a transferor court remain a "restrainor"?**~~

~~Who are the real parties to a habeas proceeding? Who are the real parties in interest? Who has to be served? By what process?~~

~~**5. Is a "restrainor" trial court *disqualified* from ruling on the habeas proceeding?**~~

6. Does Art. 25.04 violate Due Process?

Why no plea? Because there was no Notice.

RJF formally declined to plea, because there's no statute; hence, no competent charging instrument.

Statutory defiance of Due Process.

Notice is required. *Cf. O'Grady*.

In this habeas appeal, STATE argued that the "conviction" rendered this dispute moot. But, there is, on the face of the Record, no conviction, as a

matter of law, for several reasons, including no Notice. Thus, in his Reply Brief, responding to STATE's "mootness" "defense", RJF challenged Art. 25.04, which ***defies*** Due Process by stating that no Notice, and no service of Notice, is required. [5]

> [I]t has been settled, that a judgment depending upon proceedings in personam can have no force as to one on whom there has been no service of process, actual or constructive; who has had no day in court, and no notice of any proceeding against him. That with respect to such a person, such a judgment is absolutely void ....

Harris, 55 U.S. at 339 (1852). *See also Milliken* (the Wyoming judgment was valid because service was valid; hence, the Wyoming court *did* have personal jurisdiction); *Peralta* (even "meritorious defense" issue is irrelevant to question of Notice). *See also Lloyd*, 5 U.S. at 366 ("A citation not served is as no citation."); *Hamdi*; *International Shoe*; *Mullane*; *Armstrong*, 380 U.S. at 552; *Sniadach*; *Boddie*; *Fuentes v. Shevin*; *N. Ga. Finishing*; and *Jones.*

7. Is habeas a collateral proceeding?

In addition to its civil character, habeas is also a collateral proceeding. *See, e.g., Boumediene*; *Bockting*; *Chavis*; *Massaro*; *Daniels*; *Bousley.*

Therefore, looking at Questions 2, 3, and 7, even where habeas is a collateral proceeding related to an underlying case, it should *still* be handled by the clerks and courts as a separate CIVIL proceeding,

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[5] *See also* Art. 25.03 (felony).

i.e., given a proper case style and a CIVIL case number. And, where we're not dealing with a ***disqualification*** issue, while it may ***be*** better policy, overall, to allow the trial court to determine whether to stay the underlying proceedings pending resolution of the pre-trial habeas, rather than RJF's preference of having the pre-trial habeas operate as an automatic stay, it is still the case that no trial court in his right mind wants to find out after it's too late that he exercised jurisdiction he never had.

8. Is the collateral order doctrine part of Due Process applicable to the states via the 14th Amendment?

Distinction between collateral proceedings and collateral orders.

In a collateral order doctrine case arising in the state court, there's a federal issue at risk of being beyond review if not addressed right then. Since habeas is an independent proceeding with a scope that is well settled, it's unlikely that the collateral *order* doctrine applies just because habeas is a collateral *proceeding*.

Collateral matters within a collateral proceeding.

(1) ***Disqualification*** of a judge is a collateral issue *within* the collateral (habeas) proceeding, as are the following: (2) habeas Record-commandeering and -commingling, i.e., restyling the habeas and reversing the party alignment; (3) labeling CIVIL habeas cases as ***criminal*** cases; (4) properly identifying the real parties in interest to the habeas proceeding; (5) "secret" orders; (6) failure/refusal to serve orders on the defendant/parties, which violates

Due Process and amounts to denial of access to both the trial and appellate courts; and (7) secreting the Record for the last 9-10 days before trial, which is ***egregiously flagrant*** denial of access to the court as well as a very willful denial of Notice (of the rulings).

Even without the collateral order doctrine, the habeas proceeding defies Due Process.

The appellate court labels everything as moot; hence, *all* issues are "at risk", i.e., the "definition" of collateral order doctrine issues. If these issues are not "at risk", the habeas ruling is still void.

Texas doesn't recognize the collateral order doctrine.

The Permian Corporation.

Is the doctrine merely federal procedure or is it part of Due Process?

Cohen, 337 U.S. at 547 (federal court); *Cox Broadcasting* (state court); *Coopers & Lybrand*, 437 U.S. at 468 (federal court); *Moses H. Cone Hospital* (federal court); *Ritchie* (state court).

Since the collateral order doctrine exists to protect "at risk" "federal issues", no state has discretion to disregard the collateral order doctrine. [6]

Actually, Texas *does* recognize the collateral order doctrine.

See TEX. RS. APP. P. 29.5, 29.6.

But cf. CIV. PRAC. & REM. CODE § 51.014.

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[6] To establish the collateral order doctrine as policy is to provide a mitigation of damages, "prevention-oriented" remedy. *Cf. Helling* (problem *prevention*), *H. J. Inc.* (same), *Schall*, 467 U.S. at 298-300 (same), *Pulliam* (same), and *Juidice* (bad faith and harassment *both* justify *prevention*).

Observations regarding the Relief Requested

Fundamentally, in order for *pre-trial* habeas to be respected, relief provided by this proceeding is going to have to reestablish a *pre-trial* case status. If *pre-trial* case status is not possible to reestablish, then collateral *pre-trial* habeas issues, e.g., Due Process issues, will forever be impossible to reach.

Fully aware that the granting of relief via this petition will necessarily require the vacating of the judgment of conviction and the sentence, and putting this case back on the trial court's (***pre***-)trial docket, i.e., setting up Round 3, which will (A) render moot the present direct appeal and (B) leave **stay** of the ***next*** trial (pending resolution of habeas) in BARRY's hands, RJF makes the requests for relief that follow.

Remedies Requested

Given the foregoing, RJF requests relief as follows:

1. Grant this petition, issue the writ of certiorari, and take jurisdiction of this matter;
2. Confirm that the conviction does not render this pre-trial habeas dispute moot;
3. Confirm that habeas is a separate, collateral, CIVIL proceeding, which should be given a CIVIL case number and suitable case style, which is not the case style of the related "criminal" proceeding;
4. Reaffirm, for the umpteenth time to a STATE that so obviously hates and despises Due Process, that Notice is still part of Due Process,

and that Art. 25.04 (and Art. 25.03 (felonies)) is (are) void due to flagrant defiance of Due Process;

5. (A) Confirm that one or more of the collateral order matters identified triggers application of the collateral order doctrine, and (B) confirm that the collateral order doctrine applies to the states as part of Due Process via the 14th Amendment doctrine, i.e. overrule *The Permian Corporation*;

6. Or, even without application of that doctrine, that BARRY's rulings on these collateral matters necessitate vacating not only the pre-trial habeas ruling but also the judgment of conviction and sentence so as to reestablish the pre-trial habeas case status;

7. The opportunity to brief any additional issues the Court may identify;

8. The non-argument calendar;

9. Costs; and

10. Any and all other relief at law, in equity, or sui generis to which RJF may show himself justly entitled.

Respectfully submitted,

/s/ Richard John Florance, Jr.
Richard John Florance, Jr.

Appendix A
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Rule 14.1(i)(i)—Court of Criminal Appeals Ruling

2008 Dec 10—Court of Criminal Appeals

[Watermark SEAL of THE STATE OF TEXAS]

OFFICIAL NOTICE FROM
COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITAL STATION,
AUSTIN, TEXAS 78711

Wednesday, December 10, 2008
RE: Case No. PD-1601-08
COA#: 05-08-00994-CR
STYLE: FLORANCE, EX PARTE RICHARD JOHN, JR.

On this day, the Appellant's Pro Se petition for discretionary review has been refused.

Louise Pearson, Clerk

RICHARD JOHN JR. FLORANCE
1908 VASSAR DRIVE
RICHARDSON, TX 75081

[Pitney Bowes meter mark:
UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.27⁰
0004623940 DEC 1 0 2008
MAILED FROM ZIP CODE 78701]

Rule 14.1(i)(ii)—Additional Orders

2008 Oct 20—Appellate Opinion

DISMISS; Opinion issued October 20, 2008

(Seal of THE STATE OF TEXAS)

In the
Court of Appeals
Fifth District of Texas at Dallas

No. 05-08-00994-CR

EX PARTE RICHARD JOHN FLORANCE, JR.

On Appeal from the County Court at Law No. 3
Collin County, Texas
Trial Court Cause No. 002-81238-06

MEMORANDUM OPINION

Before Justices Morris, Whittington, and O'Neill
Opinion By Justice Whittington

Richard John Florance, Jr. filed a pre-trial application for writ of habeas corpus seeking discharge of his prosecution for refusing to release a fraudulent lien or claim. Following a hearing, the trial judge denied appellant the relief he sought. In three issues, [1] appellant challenges the trial court

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[1] [N.B. In RJF's principal brief, there were four, two of which are lined through in this petition. Subtotal: 2. The mootness question, the collateral order doctrine question, and the

proceedings and the order denying him relief. The State responds the appeal is moot because appellant has since been convicted of the charged offense.

The order denying habeas corpus relief was signed on July 7, 2008. On July 17, 2008, following a jury trial, appellant was convicted of the charged offense[,] and punishment was assessed at 180 days' confinement in jail and a $2000 fine. [2] Thus, the appeal from the trial court's order denying habeas corpus relief is moot. *See Martinez v. State*, 826 S.W.2d 620, 620 (Tex. Crim. App. 1992); *Taylor v. State*, 676 S.W.2d 135, 136 (Tex. Crim. App. 1984) (per curiam).

We dismiss the appeal.

/s/ Mark Whittington
MARK WHITTINGTON
JUSTICE

Do Not Publish
TEX. R. APP. P. 47
080994F.U05

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statutory challenge were all added via RJF's Reply Brief directly responsive to STATE's "mootness" "defense". Subtotal: 5. And, the question regarding the *collateral* nature of habeas is within the issue regarding the CIVIL nature of habeas, which question was expanded for clarity. Grand Total: 6. All questions were also included in the PDR. *RJF*]

[2] [N.B. Note 1 in the original. *RJF*] The appeal from that conviction is pending in this Court at cause no. 05-08-00984-CR, styled *Richard John Florance, Jr. v. The State of Texas.*

2008 Oct 20—Appellate Judgment

(Seal of THE STATE OF TEXAS)

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

EX PARTE RICHARD JOHN FLORANCE, JR.	Appeal from the County Court at Law No. 3 of Collin County, Texas.
No. 05-08-00994-CR	(Tr.Ct.No. 002-81238-06).
	Opinion delivered by Justice Whittington, Justices Morris and O'Neill participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal.

Judgment entered October 20, 2008.

/s/ Mark Whittington
MARK WHITTINGTON
JUSTICE

Transferee Trial Court

2008 Jun 24—BARRY's "Commandeering" "Order"

County Clerk directed to file ~~is~~ in Cause NO. 2-81238-06

John O. Barry
Judge
6.24.08 [3]

Cause No. _____

RICHARD JOHN FLORANCE, JR., Applicant,	§	In The
	§	COUNTY COURT AT LAW
v.	§	NO. _____
COUNTY COURT AT LAW NO. 2 OF COLLIN COUNTY, and/or COUNTY COURT AT LAW NO. 3 OF COLLIN COUNTY, Custodian(s), Respondents.	§	OF COLLIN COUNTY
	§	COLLIN COUNTY, TEXAS

[3] [N.B. This order is hand-written at the top of the first page of RJF's habeas application. *RJF*]

FLORANCE'S PRE-TRIAL APPLICATION FOR A WRIT OF HABEAS CORPUS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Richard John Florance, Junior ("RJF"), who applies for a writ of habeas corpus as follows:

Assertion of Rights

RJF asserts all his unalienable rights, privileges and immunities at Natural Law, Common Law and Maritime Law, and all his respective commercial rights relevant to this state.

Notice of Non-consent to Non-judicial Decision-makers

RJF gives his Notice of his objection to, his lack of consent to, and his withholding of all consent regarding, substantive decision-making by anyone not a duly elected, or properly appointed, judicial officer operating under a valid and current oath of office.

The Collin County Clerk's Office criminally tampered with the Record.

2008 Jul 7—BARRY's order denying habeas

No. 2-81238-06 [4]

THE STATE OF TEXAS [5]	COUNTY COURT-AT-LAW NO. 3
VS.	
RICHARD JOHN FLORANCE, JR. [6]	COLLIN COUNTY, TEXAS

Order Denying Discharge
Order Denying Motion to Dismiss

In his application for writ of habeas corpus, the defendant has applied for discharge. His application is entitled "Florance's Pre-Trial Application for Writ of Habeas Corpus". And in his motion to dismiss, the defendant has moved to dismiss the information as amended. His motion is entitled "Defendant's Post-Mandate, Post-remand Verified Special Appearance and Motion to Dismiss."

For the hearing of both, the defendant and the Criminal District Attorney were present. After considering the requests, the evidence, and the argument of the parties, the Court is of the opinion that both should be denied.

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[4] [N.B. This is ***not*** a CIVIL matter case number but is rather the case number of the underlying criminal case. *RJF*]

[5] [N.B. STATE OF TEXAS is ***not*** the applicant in this habeas proceeding. *RJF*]

[6] [N.B. RJF is ***not*** the respondent in this habeas proceeding. *RJF*]

It is therefore ordered, adjudged, and decreed that the defendant's application for discharge made in his pre-trial application for writ of habeas corpus is denied, and that his request for dismissal of the information as amended is denied.

Signed this 7th day of July, 2008.

John O. Barry
John O. Barry
Judge Presiding

(Seal of COUNTY COURT AT LAW
COLLIN COUNTY, TEXAS)

THE STATE OF TEXAS
COUNTY OF COLLIN

I, Stacey Kemp, County Clerk, Court [sic] Collin County, Texas Do hereby certify that the foregoing instrument of writing is a full, true and correct copy of the instrument as filed for record in my office the *7* day of *July*, 20*08* [7]
No. *2-81238-06*

Witness my hand and official seal at my office in McKinney, Texas this *22* day of *July*, 20 *08*

Stacey Kemp, Collin County Clerk
Collin County, Texas
By: */s/ (illegible)*, Deputy

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[7] [N.B. Since BARRY had locked up the Record in his office from 7 July to trial, and since there is no file stamp, how can the clerk ***verify*** **WHEN** this order was "filed"??! *RJF*]

For documents further establishing pre-trial "restraint", see App. A, No. 08-798.

Rule 14.1(i)(iii)—Any Rehearing

No rehearing sought or granted.

Rule 14.1(i)(iv)—Any Judgment of different date

No judgment of different date.

Rule 14.1(i)(v)—Statutes and Rules

The Statute Challenged

Texas Criminal Procedure Code

Art. 25.04. [490] [554] [543] IN MISDEMEANOR.

> In misdemeanor it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible.

Acts 1965, 59th Leg., p. 317, ch. 722, Sec. 1, eff. Jan. 1, 1966.

For the statutes challenged in the pre-trial habeas application, see App. A, No. 08-798.

Rule 14.1(i)(vi)—Additional Essential Materials

2006 Jun 23—A pretrial information sheet

CASE#/002-81238-06 CJ4B171

✳ *Republic of Texas* ✳

********** *NR*

NAME/FLORANCE RICHARD JOHN JR
****

ADDR/ 1908 VASSAR DRIVE RICHARDSON TX
SEX/M RAC/W DOB/ 8/19/58
HT/508 WT/155 HAIR/BRO EYES/BRO
DL#/TX [Number in original is omitted here]
SSN/
ORIGINAL CHARGE/ Refuse Execute Release
Fraudulent Lien/Claim
WARRANT FOR/ CAPIAS,
BOND/ 500.00
ISSUED BY/ Lewis ON 3/27/04

2699	*TCIC*
	LTR

FILED
COUNTY COURT AT LAW
JUN 2 3 2006
BRENDA TAYLOR CLERK
COLLIN COUNTY, TEXAS
BY _____ DEPUTY